LEGACIES — ADEMPTION — EFFECT OF DISTRIBUTION OF SUBSIDIARY SHARES ON BEQUEST OF SHARES. — The testatrix in her will left a specific legacy of thirty shares of stock of the Standard Oil Company. Between the execution of the will and the death of the testatrix, the corporation, as required by the decree of the United States Supreme Court, distributed the stock of thirty-nine subsidiary corporations, held by it, among its stockholders. The testatrix still retained the original thirty shares of stock at her death. A contest now arises between the specific legatee and the residuary legatee as to the shares of the subsidiary companies. *Held*, that the residuary legatee is entitled. *In re Brann*, 114 N. E. 404 (N. Y.).

The problem involved is not really one of ademption, for the original thirty shares still exist. Yet as the value of these shares largely depended upon the holding by the Standard Oil Company of the shares of the subsidiary companies, whose ownership is now in question, the analogy is close. Originally the ademption of a legacy depended upon the intention of the testator. It was accordingly held that a change accomplished by operation of law would not adeem a legacy. *Partridge* v. *Partridge*, Cas. t. Talb. 226; *Walton* v. *Walton*, 7 Johns. Ch. (N. Y.) 258. But it is now well settled that the intention of the testator no longer governs and that the specific thing bequeathed must still exist. *In re Bridle*, 4 C. P. D. 336; *Snowden* v. *Banks*, 9 Ired. (N. C.) 373; *Harrison* v. *Jackson*, 7 Ch. Div. 339; *Ametrano* v. *Downs*, 170 N. Y. 388, 63 N. E. 340. Nevertheless, a legacy is not adeemed if the alteration is purely formal. *Oakes* v. *Oakes*, 9 Hare 666. Such is the case where there is a mere subdivision of a company's shares. *Re Greenberry*, 55 Sol. J. 633. But the distribution of some of the property of a corporation even if that property be shares in subsidiary companies, can hardly be a mere subdivision of the original shares. *Cf. In re Slater*, [1907] 1 Ch. 665. But see *Re Clifford's Estate*, 56 Sol. J. 91; *In re Peirce*, 25 R. I. 34, 54 Atl. 588. Such distribution in fact much more closely resembles the declaration of an extraordinary dividend. *Cf. Bailey* v. *Railroad Co.*, 22 Wall. (U. S.) 604; *Brundage* v. *Brundage*, 60 N. Y. 544.

MARRIAGE — VALIDITY — PRESUMPTION OF DIVORCE FROM FORMER SPOUSE. — The plaintiff sued for a share in the deceased's estate as surviving widow. The defendant was the deceased's wife by a ceremonial marriage performed after deceased's separation from the plaintiff. It appeared that the marriage to the plaintiff was ceremonial, that the marriage to the defendant, also ceremonial, was followed by a long period of cohabitation with the birth of ten children, and that plaintiff had remarried after deceased left her, believing him dead. The plaintiff offered no evidence to disprove the termination of the first marriage by divorce. *Held*, that the burden was on the plaintiff to negative the dissolution of the first marriage, and that the burden had not been met. *In re Hughson's Estate: Brigham* v. *Hughson*, 160 Pac. 548 (Cal.).

For a discussion of this case, see NOTES, p. 500.

MASTER AND SERVANT — WORKMEN'S COMPENSATION — EFFECT OF NATURAL DEATH OF EMPLOYEE UPON PAYMENT OF INSTALLMENTS NOT YET DUE. — Deceased was injured while in the employ of the defendant. Compensation for one hundred and twenty-eight weeks at a weekly rate was awarded him under the Workmen's Compensation Act. CONSOL. LAWS N. Y., SUPP. 1915, 741. He died before the termination of that period, from causes having no connection with the accident. His representatives claim the value of the payments that have come due since his death. *Held*, that no more payments need be made. *Wozneak* v. *Buffalo Gas Co.*, 161 N. Y. Supp. 675.

No provision of the statute covers the case explicitly. The argument must then be from the general purpose of the legislation. If workmen's compensation gives damages for physical hurt suffered, the damage has accrued and the right